

ATTACHMENT A
Remarks

Previously presented claims 1 and 3-8 were allowed. By this Amendment, in conjunction with the contemporaneously filed RCE, Applicants have amended claim 1, canceled claims 5-7, and added new claims 10-14. Applicants respectfully submit that the present application is in condition for allowance based on the discussion which follows.

By this Amendment, Applicants have amended claim 1 to affirmatively recite that the trace element solution comprises a metal concentration of at least 60 mg/ml. Further, by this Amendment, Applicants have added new claims 10-14, corresponding to previously disclosed, but not claimed, subject matter.

Subject matter basis for the amendments to the claims can be found in the specification as filed. For example, subject matter basis for amending claim 1 to recite a trace element solution comprising a metal concentration of at least 60 mg/ml can be found in the present specification in Examples 6 and 7. Specifically, Example 6 discloses a solution having a concentration of zinc, manganese, copper, chromium and selenium metals of 60 mg/ml. Example 7 discloses an EDTA solution comprising molybdenum at a concentration of 40 mg/ml. When the two solutions, i.e. the solutions of Examples 6 and 7 are combined, in accordance with the present invention, the total metal concentration is more than 100 mg/ml.

Further, support for the amendment to the claims is found on page 8, lines 7-8, which states, "In all of the above examples the order of mixing the chemicals may be changed to some extent without any influence on the products formed," and on page 8, lines 11-12, which states, "All of the above-mentioned chemicals may be substituted by

others, provided the substitute are used in equivalent quantities.” Accordingly, the specification as filed fully supports a trace element solution having a metal concentration of more than 60 mg/ml.

Furthermore, the specification and examples do not include any trace element solution, in accordance with the present invention, which has a metal concentration of less than 60 mg/ml, only exactly 60 mg/ml or more; for example, when molybdenum is present.

Moreover, the entire specification, including the Background of the Invention, Summary of the Invention and Detailed Description, is specifically directed to maximizing the amount of trace element concentration in a solution to thereby minimize the quantity of solution which needs to be injected, e.g., in livestock. Reference may be made to the specification, page 1, lines 12-13, which states, “In general the problem with injectable solutions is that there are too low concentrations of the minerals in the solutions. This means that relatively large quantities have to be injected, which in turn cause tissue damage and also abscesses at the site of injection.” In addition, on page 3, lines 2-4, the specification states, “A further problem may arise when mixtures of high concentration are needed. In certain cases it would be impossible to deliver them, because mixing is always accompanied by dilution.” Further, on page 3, lines 5-6, the specification states, “It is an object of the invention to suggest methods and means for overcoming these problems.”

Based on the foregoing, Applicants respectfully submit that the amendments to the claims are fully supported by the specification as filed and, therefore, the claim amendments do not present new matter.

Further, Applicants respectfully submit that the claim amendments are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph, written description and enablement requirements. With regard to the written description requirements, as stated above, the specification contains a sufficient written description of the invention, as currently claimed, in clear, concise and exact terms to enable a person of ordinary skill in the art to which it pertains to make and use the invention claimed. Moreover, the specification includes a sufficient description to allow one of ordinary skill in the art to believe that the applicant was in possession of the invention as currently recited, in accordance with the requirements of 35 U.S.C. § 112, first paragraph.

In addition, the specification provides a sufficient description for one of ordinary skill in the art to know how to make and use the invention as claimed without “undue experimentation” and, therefore, the present specification enables one of ordinary skill in the art to practice the invention as claimed. For example, one of ordinary skill in the art would know that it would be beneficial to have an injectable trace element solution having a trace element metal concentration of at least 60 mg/ml based on the specification, which teaches the benefit of maximizing trace metal concentration and recites examples which all have at least 60 mg/ml and, in some cases, up to or exceeding 100 mg/ml.

Finally, Applicants respectfully submit that all pending claims are allowable for at least the same reasons that previously presented claims 1 and 3-8 were considered allowable.

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance.

END REMARKS